

REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 2, 3, 5-10, 12-14 and 16-24 were pending and claims 2, 3, 5-10, 12, 13 and 24 have been withdrawn from consideration as drawn to a non-elected invention. By this Reply, claim 14 has been amended to include a feature of claim 22 and the features of claim 23, and claims 2, 3, 5-10, 12 and 13 have been cancelled. Therefore, as to the elected invention, claims 14, 16-22 and 24 remain pending. Claim 14 is independent. Favorable reconsideration and allowance of the present application of the present application are respectfully requested in view of the following remarks.

Priority Under 35 U.S.C. § 119

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Claim Objections

Claims 22 and 23 stand objected to as having insufficient antecedent basis. Claim 22 has been amended by this Reply to avoid the possible confusion created by the claim phraseology. Reconsideration and withdrawal of the objection is respectfully requested.

Claim Rejections – Prior Art

Claims 14, 16, 17, 19 and 22 stand rejected under 35 U.S.C. § 102(b) for alleged anticipation by U.S. Patent No. 5,749,556 to Matsuoka et al. (“Matsuoka”). Applicant submits that the Examiner has failed to establish a *prima facie* case of anticipation of claim 14 as amended and traverses the rejection. Claims 18 and 23 stand rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Matsuoka.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited reference must teach or suggest each and every element in the claims. See *M.P.E.P.* § 2131; *M.P.E.P.* § 706.02. Accordingly, if the cited reference fails to teach or suggest one or more claimed elements, the rejection is improper and must be withdrawn.

Independent claim 14 now recites that the torque-limiting gear includes a gear base to which the upper gear is secured, and wherein the lower gear is disposed between the gear base and the upper gear, wherein the gear base has a friction member disposed on the surface thereof facing the lower gear, and a resilient member is disposed between the upper and lower gears, the resilient member being adapted to press the lower gear against the friction member such that the lower gear and the gear base frictionally slide upon one another to reduce the transmission of a rotation load.

On page 4 of the Office Action, the Examiner refers to Figure 3 of Matsuoka and refers to features 87b-87d and 88 and admits that the reference does not have the resilient member 88 disposed between the upper and lower gears as claimed, but instead “discloses the resilient member disposed between the lower gear (87d) and the base gear (87b).” This portion of the

Office Action is not understood as it refers to third pinion 87c variously as both “an upper gear” and as “a friction member” and in the reference the resilient member 88 is clearly disclosed as being between the third gear 87b and the frame bottom wall 61a. Then the Office Action concludes that it would have been obvious to modify the apparatus of Matsuoka “to[p] include the resilient member disposed between the upper and lower gears.”

Notwithstanding these defects in the statement of the rejection, it is submitted that the Examiner has failed to show, first, that all of the claimed features are present in the prior art. Specifically, there is no friction member disposed on the surface of a gear base as claimed and secondly the resilient member is not disposed between the upper and lower gears to press the lower gear against the friction member as claimed. Moreover, the rejection fails to lay out any factual basis that would lead to the conclusion that it would have been obvious to rearrange the parts of Matsuoka in any fashion, much less in this specifically claimed fashion.

It is well settled that the Office must provide objective evidence of the basis used in a prior art rejection. A factual inquiry whether to modify a reference must be based on objective evidence of record, not merely conclusory statements of the Examiner. See, In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). Furthermore, during patent examination, the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In re, Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785788 (Fed. Cir. 1984). If the PTO fails to meet this burden, then the Applicant is entitled to the patent. Only when a *prima facie* case is made, the burden shifts to the applicant to come forward to rebut such a case.

Accordingly, Applicant respectfully requests that the rejections over Matsuoka under both 35 U.S.C. § 102(b) and § 103(a) be withdrawn.

Claims 20 and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Matsuoka in view of Chung. Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness and traverse the rejection.

The Examiner refers to the Abstract and column 4, lines 37-41 of Chung, however these portions do not remedy the defects of Matsuoka as noted above. Chung discloses limit switches for a remotely controlled television, and these features neither show nor suggest providing the specific torque-limiting gear wherein the gear base has a friction member disposed on the surface thereof facing the lower gear, and a resilient member is disposed between the upper and lower gears, and the resilient member being adapted to press the lower gear against the friction member such that the lower gear and the gear base frictionally slide upon one another to reduce the transmission of a rotation load.

Therefore, at least because Matsuoka and Chung fail to teach or suggest each and every claimed element, dependent claims 20 and 21 are distinguishable from the combination of those references. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Conclusion

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

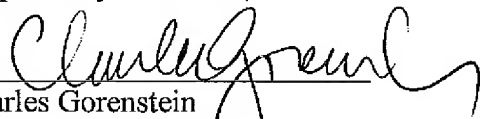
Prompt and favorable consideration of this Amendment is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charles Gorenstein, (Reg. No. 29,271) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
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